

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

ORDER

Plaintiff,

18-cr-98-wmc-1

v.

MARVIN BAKER,

Defendant.

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On January 3, 2022, the court denied defendant Marvin Baker's motion for compassionate release. (Dkt. #65.) This matter is before the court on defendant Marvin Baker's notice of appeal and request for extension of time (dkt. #66), which the court will grant. Federal Rule of Appellate Procedure 4(b)(4) specifically states:

Upon a finding of excusable neglect or good cause, the district court may -- before or after the time has expired, with or without motion and notice -- extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule (b).

As noted, the court's order denying Baker's motion for compassionate release was entered on January 3, 2022, making the deadline for defendant to file a notice of appeal January 17, 2022 (14 days later). Under Rule 4(b)(4), therefore, this court can extend defendant's deadline to file a notice of appeal no later than February 16, 2022 (30 days).

Since defendant filed his notice of appeal and extension request on February 14, 2022, the court is authorized to grant this request under Rule 4, provided the court finds good cause or excusable neglect. *See United States v. Hirsch*, 207 F.3d 928, 930 (7th Cir.

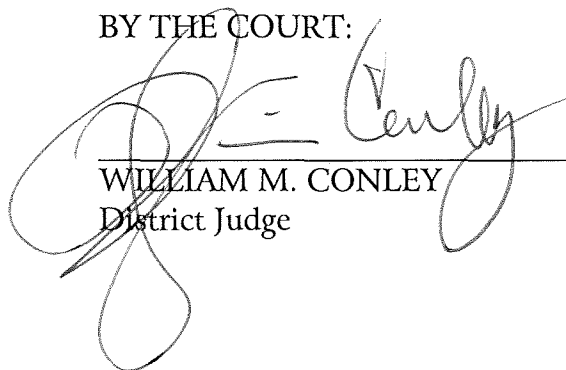
2000) (citing Rule 26(b)(1) of the Appellate Rules of Procedure for the proposition that district courts lack the power to extend the time for a notice of appeal beyond what Rule 4 allows). Here, Baker seeks an extension because he currently is in solitary confinement without access to stamps, and he cannot use the law library because his institution is on lockdown. Given that he pursued his motion for compassionate release *pro se*, the court finds his request for an extension supported by good cause. Accordingly, the court will grant the motion and extend Baker's deadline to file his notice of appeal by 30 days.

ORDER

IT IS ORDERED that defendant Marvin Baker's request for extension of time (dkt. #66) is GRANTED. His deadline to file a notice of appeal is extended to February 16, 2022.

Entered this 17<sup>th</sup> day of February, 2022.

BY THE COURT:



WILLIAM M. CONLEY  
District Judge